

Charles Gilchrist, et al. v. Professional Technical Security
Services, Inc.,
Case No. CV 07-5803-MJJ
United States District Court – Northern District of
California – San Francisco Division

EXHIBIT D

To Declaration of Mary Ann Montoya
In Support of Motion for Default
Judgment

APARTMENT EMPLOYEES TRUST FUNDS
 Summary Report of Contributions From
Pro-Tech
Account #10700
Audit Period: January 1, 2002 to April 30, 2004

DESCRIPTION	TOTAL HOURS	PRINCIPAL	INTEREST	TOTAL
Underreported/Overreported Hours				
2002 - Exhibit A	11,964.8	\$10,169.97	\$1,837.18	\$12,007.15
2003 - Exhibit A-1	15,246.6	12,959.65	1,526.00	14,485.65
2004 - Exhibit A-2	2,613.6	2,221.58	155.49	2,377.07
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Total Underreported/Overreported Hours	29,825.0	25,351.20	3,518.67	28,869.87
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Subtotals	29,825.0	\$25,351.20	\$3,518.67	\$28,869.87
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Liquidated Damages				2,535.19
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TOTALS	29,825.0	\$25,351.20	\$3,518.67	\$31,405.06

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EXHIBIT E

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T.F.



**APARTMENT EMPLOYEES WELFARE FUND
AND PENSION TRUST**

633 Battery Street, 2nd Floor
San Francisco, CA 94111
Telephone (415) 986-6276

MEMORANDUM

DATE: June 28, 2005

TO: Pro Tech Security Services
Attn: Mr. Robert Keays

FROM: Polly Baney, Allied Administrators *PB*

SUBJECT: Compliance Audit

Attached are the preliminary results of the employee benefit audit for the period January 1, 2002 through April 30, 2004, recently conducted for the Apartment Employees Trust Funds by Hemming Morse, Inc. Per the attached schedule, please remit the fringe benefits due, liquidated damages, plus accrued interest totaling \$31,405.06 payable to the Apartment Employees Trust Funds and send it to my attention within the next 10 business days.

If you dispute these audit findings, please state your claim in writing and send with all documentation to my attention at this office within the next 10 working days. If you do not respond within the stated time period, this matter will be referred to the Trust's collection administrator.

Should you have any questions regarding this preliminary audit report, please call Hemming Morse, Inc. at (415) 836-4000, or write them at 160 Spear Street, Ste. 1900, San Francisco, CA 94105. All audit results are subject to review by the Board of Trustees before becoming final.

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EXHIBIT E



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EXHIBIT F

To Declaration of Mary Ann Montoya
In Support of Motion for Default
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APARTMENT EMPLOYEES WELFARE AND PENSION TRUST FUND
COLLECTION DEPARTMENT
P.O. BOX 4484
ANTIOCH, CALIF 94531-4484
Phone 925-779-0911 Fax 925-779-1375

NOTICE OF EXPEDITED ARBITRATION
ORIGINAL VIA CERTIFIED MAIL
COPY VIA REGULAR MAIL

October 28, 2005

Mr. Sergio Reyes, Controller
Pro Tech Security Svc.
One Hallidie Plaza Ste. 725
San Francisco, Calif. 94102

RE: Delinquent Monies owed to Apartment Employees Welfare & Pension Trust Fund

Dear Mr. Reyes:

You have previously been notified of your delinquent payments to the Apartment Employees Welfare and Pension Trust Fund and you have failed to cure these delinquencies.

This is to notify you that the claims of the Trust Fund will be submitted to Expedited Arbitration pursuant to the authority granted to the Trustees of said Fund by the Trust Agreements under which said Funds are maintained.

THE EXPEDITED ARBITRATION WILL BE HELD BEFORE ARBITRATOR WILLIAM W. WARD, ESQ. ON NOVEMBER 29, 2005 AT 11:00AM AT 700 YGNACIO VALLEY BLVD. STE. 260, WALNUT CREEK, CALIF. 94596.

If you fail to appear or show cause why the Arbitrator can not proceed, the Arbitrator is empowered to enter a default award against you which may include all amounts due the Fund, including collection costs, interest, attorney fees, legal costs, liquidated damages, and the Arbitrator's fees.

By law, such an award is final and binding and can become a judgment which can be executed against you and any property or other assets in your possession or control.

If payment in full or a mutually agreeable resolution is made prior to the hearing, the Expedited Arbitration will be dismissed.

Sincerely,

Michael F. Johnson
Collection Administrator
Attachment

EXHIBIT F

PAGE 2.

THE FUND VS: Sergio Reyes, Owner, dba: Pro Tech Security Services and Does 1x10, jointly and individually hereinafter referred to as the Employer.

IN RE: Expedited Arbitration of November 29, 2005.

THE FUND CLAIMS THAT THE EMPLOYER OWES THE FUND THE FOLLOWING DELINQUENT AMOUNTS:

\$31,405.66	June 10, 2004 Payroll Audit
776. 59	Accrued Interest through November 29, 2005
<u>62.50</u>	Collection Costs to date
\$32,244.75	TOTAL DUE OF THE ABOVE AS OF NOVEMBER 29, 2005

FURTHERMORE, THE FUND REQUEST THE ARBITRATOR TO ASSESS THE ARBITRATOR'S FEES AGAINST THE EMPLOYER AND TO AWARD THE FUND 7% SIMPLE INTEREST DAILY ON THE UNPAID BALANCE.

cc: W.W. Ward, Esq.

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EXHIBIT G

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STEWART WEINBERG
DAVID A. ROSENFELD
WILLIAM A. SOKOL
VINCENT A. HARRINGTON, JR.
W. DANIEL BOONE
BLYTHE MICKELSON
BARRY E. HINKLE
JAMES RUTKOWSKI
SANDRA RAE BENSON
CHRISTIAN L. RAISNER
JAMES J. WESSER
THEODORE FRANKLIN
ANTONIO RUIZ
MATTHEW J. GAUGER
ASHLEY K. IKEDA **
LINDA BALDWIN JONES
PATRICIA A. DAVIS
ALAN G. CROWLEY
J. FELIX DE LA TORRE
KRISTINA L. HILLMAN ***
ANDREA LAIACONA
EMILY P. RICH

WEINBERG, ROGER & ROSENFELD
A PROFESSIONAL CORPORATION

1001 Marina Village Parkway, Suite 200
Alameda, CA 94501-1091
TELEPHONE 510.337.1001
FAX 510.337.1023

LORI K. AQUINO **
ANNE I. YEN
NICOLE M. PHILLIPS
BRUCE A. HARLAND
CONCEPCION E. LOZANO-BATISTA
CAREN P. SENCER
LINELLE S. MOGADO
MANJARI CHAWLA
KRISTINA N. ZINNEN
JANNAH V. MANANSALA
MANUEL A. BOIGUES ****

PATRICIA M. GATES, Of Counsel
ROBERTA D. PERKINS, Of Counsel
JOHN PLOTZ, Of Counsel

* Also admitted in Arizona
** Admitted in Hawaii
*** Also admitted in Nevada
**** Also admitted in Illinois

July 25, 2007

Paul V. Simpson
Simpson, Garrity & Innes, PC
601 Gateway Boulevard, Suite 950
South San Francisco, CA 94080

Re: Apartment Employees Trust Funds
Our File No. 116462

Dear Mr. Simpson:

This office represents the Apartment Employees Trust Funds, and we are hereby informing you that demand has been made for immediate payment of fringe benefits due, liquidated damages and interest due to late payment of contributions pursuant to the trust audit, in the amount of \$31,405.06, due and owing to the above-referenced Fund(s).

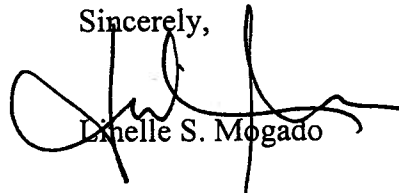
Attached hereto are letters dated October 3, 2006, September 22, 2006, July 13, 2006, May 30, 2006 and February 24, 2006, from the office of the Collection Department of the Funds. You have failed to respond to said letters. We reject your client's settlement offer.

Also, attached is a letter dated February 24, 2006, setting forth the amounts your client owes and the basis for those amounts up to that date. We also demand the additional interest until the date of payment for the further delay caused by your failure to respond.

If you fail to comply, it will be necessary to file suit in Federal Court pursuant to the Employee Retirement Income Security Act (ERISA), in order to compel payment of these amounts, in addition to attorneys' fees and costs incurred due to your failure to comply with this demand.

A check in the appropriate amount should be made payable to the Apartment Employees Trust Funds, and remitted to Weinberg, Roger & Rosenfeld, 1001 Marina Village Pkwy, Ste. 200, Alameda, California 94501-1091, Attn: Linelle S. Mogado.

Sincerely,



Linelle S. Mogado

LSM/ar

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cc: Trust Administrator

EXHIBIT G